

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAMON L. SMITH,

Petitioner,

v.

BLAINE LAFLER,

Respondent.

CASE NO. 04-74233

HON. LAWRENCE P. ZATKOFF

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

This matter is currently before the Court on Magistrate Morgan's Report and Recommendation in which the Magistrate Judge recommends that Petitioner's request for habeas relief be denied. On November 9, 2005, the Court granted Petitioner a thirty day extension on the time to file objections, but no objections to the Report and Recommendation have been filed.

After a thorough review of the court file, Plaintiff's and Defendant's motions, and the Report and Recommendation, this Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court. Accordingly, the Court HEREBY DENIES Petitioner's request for habeas relief.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: December 21, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on December 21, 2005.

s/Marie E. Verlinde

Case Manager
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